

Attorney's Do. No. 4430-18

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Andrew D. Barofsky & Kenton W. Gregory

Serial No.: 08/797,770 Art Unit: 3738

Filed: February 7, 1997 Examiner: Paul Prebilic

For: METHOD FOR USING TROPOELASTIN AND FOR PRODUCING
TROPOELASTIN BIOMATERIALS

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION UNDER 37 CFR 1.321(b)

I, Jerome S. Marger, the disclaimant herein, represents that I am the attorney of record for the above-captioned application. The extent of the Applicant's interest is in the whole of the invention.

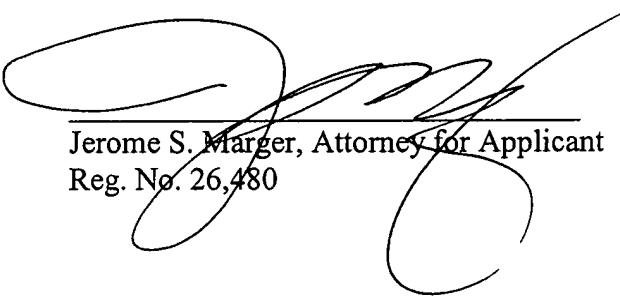
The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application, U.S. Serial No. 08/797,770, which would extend beyond the expiration date of the full statutory term of US Patent Number 6,110,212 granted on August 29, 2000; and

It is hereby agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to US Patent Number 6,110,212 granted on August 29, 2000, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Disclaimer does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of US Patent Number 6,110,212 granted on August 29, 2000, in the event that it later expires for failure to pay a maintenance fee, or is held unenforceable, or is found invalid, or is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), or has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The fee prescribed under 37 CFR 1.20(d) has already been submitted, however, any deficiency or overpayment should be charged to deposit account number 13-1703.

Respectfully submitted,



Jerome S. Marger, Attorney for Applicant
Reg. No. 26,480

Date: November 20, 2001

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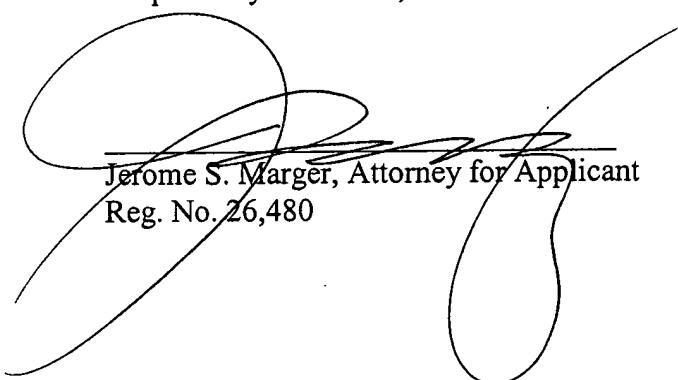
The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application, U.S. Serial No. 08/797,770, which would extend beyond the expiration date of the full statutory term of US Patent Number 6,087,552 granted on July 11, 2000; and

It is hereby agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to US Patent Number 6,087,552 granted on July 11, 2000, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Disclaimer does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of US Patent Number 6,087,552 granted on July 11, 2000, in the event that it later expires for failure to pay a maintenance fee, or is held unenforceable, or is found invalid, or is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), or has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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